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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,142	06/14/2001	Paul M. Thomsen	HITHOME.001A	8108
20995	7590	07/27/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			SHELEHEDA, JAMES R	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,142

Applicant(s)

THOMSEN, PAUL M.

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/16/02</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:

In claim 1, line 6, "storing at least portion" should be changed to --storing at least a portion--.

Appropriate correction is required.

Specification

2. The disclosure is objected to because of the following informalities:

On page 1, line 6, of the specification, "filed on December 1, 2001" should be changed to --filed on December 1, 2000-- to reflect the actual filing date of applicant's provisional application.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 3, 20, 26, 28-31, 35 and 38-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (5,543,851).

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As to claim 3, Chang discloses a television (Fig. 1), comprising:

a remote control device (Fig. 3, input device, 58) for receiving control instructions from a user (column 4, lines 17-20);

a controller (microcontroller controlling the system; column 3, lines 42-53) for receiving and displaying a video signal that comprises closed caption data (column 2, lines 32-36 and column 4, lines 40-50), wherein the closed caption data includes a plurality of symbols (including text data; column 4, lines 47-50 and Figs. 6-7), wherein in response to receiving first control instructions from a user (caption pause command; column 5, lines 26-29), the controller maintains a selected portion of the closed caption data on the television display (column 5, lines 26-29) until the occurrence of a selected event, wherein the selected event is receipt of second control instructions to resume the display of the closed caption data in the video signal (column 5, lines 29-33), and wherein, in response to receiving, via the remote control device, the third control instructions to select at least one of the symbols (column 5, lines 34-38), the controller highlights the selected symbols on the television display (column 5, lines 34-38; Figs. 6a and 7).

As to claim 20, Chang discloses a television (Fig. 1), comprising:

an interface (Fig. 3, input device, 58) for receiving control instructions from a user (column 4, lines 17-20);

a controller (microcontroller controlling the system; column 3, lines 42-53) for receiving and displaying a video signal that comprises data (column 2, lines 32-36 and

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column 4, lines 40-50), wherein the data includes a plurality of symbols (including text data; column 4, lines 47-50 and Figs. 6-7), wherein in response to receiving first control instructions from a user (caption pause command; column 5, lines 26-29), the controller maintains at least some of the symbols (column 5, lines 26-29) and wherein the controller receives second control instructions to select one or more of the symbols on the television display (column 5, lines 34-38).

As to claim 26, Chang discloses wherein the television highlights the selected symbols on a display (column 5, lines 34-38; Figs. 6a and 7).

As to claim 28, Chang discloses wherein the controller stores at least a portion of the received video signal in a buffer (column 4, line 67-column 5, line 3).

As to claim 29, Chang discloses wherein the user initiates the request to select the symbols by identifying a location on the television display (column 6, lines 24-29).

As to claim 30, Chang discloses wherein the symbols are selected by determining which symbols are displayed at the identified location (identifying the selected word and performing a function; column 6, lines 24-48).

As to claim 31, Chang discloses a system for selecting symbols on a television display (Fig. 3), the system comprising:

means (tuner, 16) for receiving a video signal that comprises data (column 2, lines 32-36 and lines 48-58), wherein the data includes a plurality of symbols (including text data; column 4, lines 47-50 and Figs. 6-7);

means (TV, 24) for displaying the data (column 4, lines 47-50);

means (microcontroller), responsive to a user request (column 5, lines 25-29), for maintaining a selected portion of the data on the television display (column 5, lines 25-29); and

means (microcontroller), responsive to a user request (column 5, lines 34-38), for selecting at least a portion of one of the words on the display (column 5, lines 34-38).

As to claim 35, Chang discloses means for highlighting the selected symbols on the television display (column 5, lines 34-38; Figs. 6a and 7).

As to claim 38, Chang discloses wherein the controller stores at least a portion of the received video signal in a buffer (column 4, line 67-column 5, line 3).

As to claim 39, Chang discloses wherein the user initiates the request to select the symbols by identifying a location on the television display (column 6, lines 24-29).

As to claim 40, Chang discloses wherein the symbols are selected by determining which of the words in the video signal is displayed at the identified location (identifying the selected word and performing a function; column 6, lines 24-48).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4-19, 21-23, 25, 27, 32-34, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Wong et al. (Wong) (6,748,375).

As to claim 1, while Chang discloses a method of selecting symbols on a television display (Fig. 1), the method comprising:

receiving a video signal that comprises closed caption data (column 2, lines 32-36 and column 4, lines 40-50), wherein the closed caption data includes a plurality of symbols (including text data; column 4, lines 47-50 and Figs. 6-7);

displaying the closed caption data on the television display (column 4, lines 47-50);

storing at least a portion of the closed caption data in a buffer (column 4, line 67-column 5, line 3);

receiving, via a remote control device (Fig. 3, input device, 58), first control instructions to maintain the displayed closed caption on the television display (caption pause command; column 5, lines 26-29) until the occurrence of a selected event, wherein the selected event is receipt of second control instructions to resume the display of the closed caption data in the video signal (column 5, lines 29-33);

receiving, via the remote control device, the third control instructions to select at least one of the symbols (column 5, lines 34-38); and

highlighting the selected symbols on the television display (column 5, lines 34-38; Figs. 6a and 7), he fails to specifically disclose transmitting the selected symbols to a database system.

In an analogous art, Wong discloses a television receiver (column 3, lines 26-44) wherein keywords are selected from the television closed captioning text (column 3, lines 26-48) and transmitted to an Internet search engine (column 3, lines 45-55) for the typical benefit of providing a user with immediate access to additional content related to the current broadcast (column 3, lines 45-55 and column 1, lines 61-67).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Chang's system to include transmitting the selected symbols to a database system, as taught by Wong, for the typical benefit of providing a user with immediate access to additional content related to the current broadcast.

As to claim 7, while Chang discloses a method of selecting symbols on a television display (Fig. 1), the method comprising:

receiving a video signal that comprises data (column 2, lines 32-36 and column 4, lines 40-50), wherein the closed caption data includes a plurality of symbols (including text data; column 4, lines 47-50 and Figs. 6-7);

displaying one or more of the symbols (column 4, lines 47-50), wherein the displayed symbols are selectable on a symbol-by-symbol basis (wherein individual words may be selected; column 6, lines 24-29);

in response to a user request, maintaining one or more of the displayed symbols on the television display (caption pause command; column 5, lines 26-29); and

in response to a user request, selecting one or more of the displayed symbols on the television display (column 5, lines 34-38), he fails to specifically disclose transmitting the selected symbols to a database system.

In an analogous art, Wong discloses a television receiver (column 3, lines 26-44) wherein keywords are selected from the television closed captioning text (column 3, lines 26-48) and transmitted to an Internet search engine (column 3, lines 45-55) for the typical benefit of providing a user with immediate access to additional content related to the current broadcast (column 3, lines 45-55 and column 1, lines 61-67).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Chang's system to include transmitting the selected symbols to a database system, as taught by Wong, for the typical benefit of providing a user with immediate access to additional content related to the current broadcast.

As to claims 4, 21 and 32, while Chang discloses a controller which allows a user to select symbols from the display, he fails to specifically disclose transmitting the selected symbols to a database system.

In an analogous art, Wong discloses a television receiver (column 3, lines 26-44) wherein keywords are selected from the television closed captioning text (column 3, lines 26-48) and transmitted to an Internet search engine (column 3, lines 45-55) for the typical benefit of providing a user with immediate access to additional content related to the current broadcast (column 3, lines 45-55 and column 1, lines 61-67).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Chang's system to include transmitting the selected symbols to a database system, as taught by Wong, for the typical benefit of providing a user with immediate access to additional content related to the current broadcast.

As to claims 5, 8 and 22, Chang and Wong disclose wherein the database system is an Internet search engine (see Wong at column 3, lines 45-48).

As to claims 2 and 6, while Chang and Wong disclose the use of a remote control device (keyboard; see Chang at column 4, lines 17-20), he fails to specifically disclose wherein the remote control device is handheld.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize a handheld remote control to operate a television, such as a typical IR remote which may be carried and used anywhere in a room, for the typical benefit of providing a more convenient, flexible and mobile means for the user to operate the television system.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Chang and Wong's system to include wherein the remote control device is handheld for the typical benefit of providing a more convenient, flexible and mobile means for the user to operate the television system.

As to claims 9, 23, Chang and Wong disclose
searching the database system for information based at least in part upon the selected symbols (using the caption words as search terms; see Wong at column 3, lines 45-52); and
automatically displaying the results of the search (see Wong at column 3, line 52-column 4, line 7).

As to claim 33, Chang and Wong disclose
means for searching the database system (see Wong at column 3, lines 45-52), wherein the selected symbols are used as keywords of the search (using the caption words as search terms; see Wong at column 3, lines 45-52); and
means for automatically displaying the results of the search (see Wong at column 3, line 52-column 4, line 7).

As to claim 10, Chang and Wong disclose transmitting the selected symbols over the Internet to a remote computer (transmitting the search terms to a computer running the search engine and then receiving the results; see Wong at column 3, lines 45-55).

As to claim 11, while Chang and Wong disclose receiving a video signal, they fail to specifically disclose wherein the signal is digital.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to digital transmission signals to transmit television video and other data, which require less bandwidth and storage space as analog signals, for the typical benefit of providing a more efficient transmission system which would require less bandwidth and storage for the video signals.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Chang and Wong's system to include wherein the video signal is digital for the typical benefit of providing a more efficient transmission system which would require less bandwidth and storage for the video signals.

As to claim 12, Chang and Wong disclose highlighting the selected symbols on the television display (see Chang at column 5, lines 34-38; Figs. 6a and 7).

As to claim 13, Chang and Wong disclose transmitting the selected symbols to an external device (transmitting the search terms to a computer running the search engine and then receiving the results; see Wong at column 3, lines 45-55).

As to claims 25 and 34, while Chang discloses a controller which allows a user to select symbols from the display, he fails to specifically disclose transmitting the selected symbols over the Internet to a computer.

In an analogous art, Wong discloses a television receiver (column 3, lines 26-44) wherein keywords are selected from the television closed captioning text (column 3, lines 26-48) and transmitted to an Internet search engine (column 3, lines 45-55) for the typical benefit of providing a user with immediate access to additional content related to the current broadcast (column 3, lines 45-55 and column 1, lines 61-67).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Chang's system to include transmitting the selected symbols over the Internet to a computer, as taught by Wong, for the typical benefit of providing a user with immediate access to additional content related to the current broadcast.

As to claims 27 and 36, while Chang discloses a controller which allows a user to select symbols from the display, he fails to specifically disclose transmitting the selected symbols to an external device.

In an analogous art, Wong discloses a television receiver (column 3, lines 26-44) wherein keywords are selected from the television closed captioning text (column 3, lines 26-48) and transmitted to an Internet search engine (column 3, lines 45-55) for the typical benefit of providing a user with immediate access to additional content related to the current broadcast (column 3, lines 45-55 and column 1, lines 61-67).

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It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Chang's system to include transmitting the selected symbols to an external device, as taught by Wong, for the typical benefit of providing a user with immediate access to additional content related to the current broadcast.

As to claims 14 and 37, Chang and Wong disclose wherein the external device is an information retrieval system (Internet search engine; see Wong at column 3, lines 45-55).

As to claim 15, Chang and Wong disclose wherein the controller stores at least a portion of the received video signal in a buffer (see Chang at column 4, line 67-column 5, line 3).

As to claims 16 and 17, while Chang and Wong disclose a video signal containing closed captioning (see Chang at column 2, lines 30-36), they fail to specifically disclose wherein the video signal is in accordance with the EIA/CEA-608-B or EIA-708-B standard.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to provide a television signals which conforms to the EIA/CEA-608-B and EIA-708-B standards, which define the proper means for providing closed captioning in a digital or NTSC video signal, for the typical benefit of providing a

television transmission system which conforms to established and widely used closed captioning standards.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Chang and Wong's system to include wherein the video signal is in accordance with the EIA/CEA-608-B or EIA-708-B standard for the typical benefit of providing a television transmission system which conforms to established and widely used closed captioning standards.

As to claim 18, Chang and Wong disclose wherein the user initiates the request to select the symbols by identifying a location on the television display (see Chang at column 6, lines 24-29).

As to claim 19, Chang and Wong disclose wherein the symbols are selected by determining which of the words in the video signal is displayed at the identified location (identifying the selected word and performing a function; see Chang at column 6, lines 24-48).

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang.

As to claim 24, while Chang discloses receiving a video signal, he fails to specifically disclose wherein the signal is digital.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to digital transmission signals to transmit television

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video and other data, which require less bandwidth and storage space as analog signals, for the typical benefit of providing a more efficient transmission system which would require less bandwidth and storage for the video signals.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Chang's system to include wherein the video signal is digital for the typical benefit of providing a more efficient transmission system which would require less bandwidth and storage for the video signals.

Conclusion

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

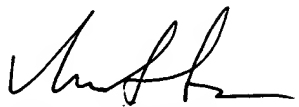
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2614

JS



VIVEK SRIVASTAVA
PRIMARY EXAMINER